

Panaji, 29th May, 1997 (Jyaistha 8, 1919)

SERIES I No. 9

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

NOTE: There are three Extraordinary issues to the Official Gazette, Series I No. 8 dated 22-5-1997 as follows:

- 1) Extraordinary dated 23-5-1997 from pages 123 to 128 regarding Notifications from Department of Education, Art and Culture (Dte. of Education) and Department of Transport (Office of the Ex-Officio Jt. Secretary (Transport)).
- 2) Extraordinary No. 2 dated 26-5-1997 from pages 129 to 130 regarding Notification from Department of Finance (Revenue and Expenditure Division).
- 3) Extraordinary No. 3 dated 28-5-1997 from pages 131 to 132 regarding Notification from Department of Finance (Revenue and Expenditure Division).

### GOVERNMENT OF GOA

#### Department of Inland Waterways

Captain of Ports

#### Notification

7/18/90-IWT

In exercise of the powers conferred by section 11 of the Goa Ferries Act, 1990 (Act 9 of 1990), the Government of Goa hereby makes the following rules, namely:—

1. *Short title, extent and commencement:*— (1) These rules may be called the Goa Ferries (Regulation of issue of seasonal passes, concession and procedure etc. for the use of public ferries/vessels) Rules, 1997.

(2) They shall come into force at once.

2. *Definitions:*— In these rules, unless the context otherwise requires—

(a) "Act" means the Goa Ferries Act, 1990 (Act 9 of 1990);

(b) "Department" means the River Navigation Department, Government of Goa;

(c) "Pass Holder" means a person in whose name the seasonal pass is issued by the Department;

(d) "Pass Issuing Authority" means the Director (Admn.) of the Department or his authorised representative;

(e) "Seasonal Pass" means valid monthly or quarterly pass issued by the Department;

3. *Procedure for issuing seasonal passes and conditions:*— (1) The seasonal passes shall be issued to desirous commuters on monthly or quarterly basis on payment of fee specified in rule 5 and on production of the necessary details/information alongwith 2 copies of recent passport size photographs.

(2) The seasonal pass issued to a particular commuter shall not be transferable.

(3) The seasonal pass shall have to be signed by the person to whom it is issued. The unsigned passes shall be considered invalid.

(4) The seasonal pass shall be valid upto the date shown on it. The said pass may be renewed from the next date from the date of expiry if the pass holder so desires, provided the same is presented for renewal on the next day (and in case next day is a holiday, the following day).

(5) A fine as indicated below over and above the normal charges, shall be levied by the Pass Issuing Authority if the pass is presented for renewal after the date stipulated in sub-rule (4) of rule 3.

(i) Delay upto 7 days counted from the date of expiry including holidays in case of monthly passes only...

Rs. 10/-  
(Rupees ten only)

(ii) Delay upto 15 days counted from the date of expiry including holidays in case of Quarterly passes...

Rs. 20/-  
(Rupees twenty only)

(6) Travelling on or after the date of expiry of pass shall tantamount to ticketless travelling and the traveller shall be liable for a fine as stipulated under the relevant rules.

(7) The pass should be shown when demanded by the Ticket-Collector/Inspector or by any inspecting authority.

(8) Whenever there is suspension of ferry service by the Department for a continuous period of 3 days (three days) or more as per office records, the seasonal pass holders shall be entitled for an extension of the validity of their seasonal passes by an equivalent period. In case the ferry service is suspended by the Department on account of public agitation or strike, the aforesaid extension shall not be given.

4. *Concession to the physically handicapped/disabled persons and to bonafide students in Government run ferry boats:*— (1) No fare shall be charged to the disabled persons having disability to the extent of 40% and above.

(2) 50% concession of the fare shall be given to the other category of handicapped. The above concessions shall be given subject to production of Identity Card issued by the Directorate of Social Welfare, Government of Goa.

(3) 50% concession of the fare shall be given to the bonafide students studying in this State.

*Explanation:*— “Bonafide Student” means a person who is pursuing a course of studies as a full time student in any recognised educational institution in the State of Goa and possesses at the time of the journey in the ferry boat a valid identity card issued under the signature of the Head of such institution but does not include a person who is pursuing higher education while gain fully employed.

5. *Concessions in respect of seasonal passes:*— (1) The members of general public shall be eligible for twenty five percent concession of the fare on to and fro journey, calculated on the basis of existing tariff structure provided that they hold “Monthly Pass” i. e. for a period of 30 days issued by the Department.

(2) Thirty percent concession shall be given to persons on to and fro journey calculated on the basis of existing tariff structure provided that he holds “Quarterly Pass” i. e. for a period of 90 days issued by the Department.

By the order and in the name of the Governor of Goa.

Capt. A. P. Mascarenhas, Captain of Ports and Ex-Officio  
Jt. Secretary.

Panaji, 28th April, 1997.

### Department of Labour

#### Notification

21/7/89-LAB/1761

In exercise of the powers conferred by the proviso to sub-section (1) of Section 2 of the Maternity Benefit Act, 1961 (Central Act 53 of 1961) (hereinafter called the 'said Act'), the Government of Goa with the approval of the Central Government hereby gives two months' notice of its intention to declare that all the provisions of the said Act shall apply to educational institutions employing ten or more persons in the State of Goa.

Any suggestions or objections in this regard may be forwarded to the Secretary, Labour Department, Secretariat, Panaji, Goa, within a period of two months from the date of publication of this Notification in the Official Gazette.

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, Labour and Ex-Officio Joint  
Secretary (Labour).

Panaji, 9th April, 1997.

#### Notification

25/2/95-LAB/1840

Whereas the intention of the Government of Goa to add to Part-I of the Schedule to the Minimum Wages Act, 1948 (Central Act 11 of 1948) (hereinafter called the 'said Act') the employment, namely, Employment in units engaged in the manufacture, assembling of electronic goods and components and distribution and sale of electronic products, was notified, as required by section 27 of the said Act, in the Official Gazette, Series I, No. 34, dated 23-11-1995, under Notification No. 25/2/95-LAB, dated 26-10-1995, of the Labour Department, Government of Goa (hereinafter called the 'said Notification'), inviting objections and suggestions from all persons likely to be affected thereby within three months from the date of publication of the said Notification in the Official Gazette;

And whereas no objections and suggestions have been received from the public on the said Notification, by the Government.

Now, therefore, in exercise of the powers conferred by section 27 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Government of Goa hereby adds to Part I of the Schedule to the said Act, the following employment, namely:—

“Employment in units engaged in the manufacture, assembling of electronic goods and components and distribution and sale of electronic products”.

By order and in the name of the Governor of Goa.

R. S. Mardolker, Ex-Officio Joint Secretary (Labour).

Panaji, 10th April, 1997.

### Department of Law & Judiciary

#### Legal Affairs Division

#### Notification

10/5/96/LA-Vol. II

The Companies (Amendment) Act, 1996 (Central Act 5 of 1997) which has been passed by the Parliament and assented to by the President of India on 8th January, 1997 and published in the Gazette of India, Extraordinary, Part II, Section I dated 8th January, 1997 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 8th May, 1997.

**The Companies (Amendment) Act, 1996**

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ACT

*further to amend the Companies Act, 1956.*

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Companies (Amendment) Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. *Amendment of section 17.*— In section 17 of the Companies Act, 1956 (hereinafter referred to as the principal Act),—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The alteration of the provisions of memorandum relating to the change of the place of its registered office from one State to another shall not take effect unless it is confirmed by the Company Law Board on petition.”;

(b) in sub-section (5), the words “either wholly or in part, and” shall be omitted.

3. *Amendment of section 18.*— In section 18 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) A company shall file with the Registrar—

a special resolution passed by a company in relation to clauses (a) to (g) of sub-section (1) of section 17, within one month from the date of such resolution; or

(b) a certified copy of the order of the Company Law Board made under sub-section (5) of that section confirming the alteration, within three months from the date of order,

as the case may be, together with a printed copy of the memorandum as altered and the Registrar shall register the same and certify the registration under his hand within one month from the date of filing of such documents.”.

4. *Amendment of section 58A.*— In section 58A of the principal Act, in sub-section (2),—

(a) in clause (a), the word “and” shall be omitted;

(b) in clause (b), for the word “prescribed”, the words “prescribed, and” shall be substituted;

(c) after clause (b), the following clause shall be inserted, namely:—

“(c) the company is not in default in the repayment of any deposit or part thereof and any interest thereupon in accordance with the terms and conditions of such deposit.”.

5. *Amendment of section 80.*— In section 80 of the principal Act, for sub-section (5A), the following sub-section shall be substituted, namely:—

“(5A) Notwithstanding anything contained in this Act, no company limited by shares shall, after the commencement of the Companies (Amendment) Act, 1996, issue any preference share which is irredeemable or is redeemable after the expiry of a period of twenty years from the date of its issue.”.

6. *Amendment of section 153B.*— In section 153B of the principal Act, in sub-section (4),—

(a) in clause (b), in sub-clause (ii), for the words “whichever is less.”, the words “whichever is less, or” shall be substituted;

(b) after clause (b) and before the Explanation, the following clause shall be inserted, namely:—

“(c) where the trust is created, to set up a Mutual Fund or Venture Capital Fund or such other fund as may be approved by the Securities and Exchange Board of India established under sub-section (1) of section 3 of the Securities and Exchange Board of India Act, 1992.”. 15 of 1992.

7. *Amendment of section 370.*— In section 370 of the principal Act, after sub-section (1F), the following sub-section shall be inserted, namely:—

“(1G) A company, which has defaulted in the repayment of any deposit referred to in section 58A or part thereof or interest thereupon in accordance with the terms and conditions of such deposit, shall not make any loan or give guarantee under this section till the default is made good.”.

8. *Amendment of section 372.*— In section 372 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) A company, which has defaulted in the repayment of any deposit referred to in section 58A or part thereof or interest due thereupon in accordance with the terms and conditions of such deposit, shall not make any investment under this section till the default is made good.”.

9. *Amendment of section 530.*— In section 530 of the principal Act, in sub-section (2), for the words “exceed one thousand rupees”, the words “exceed such sum as may be notified by the Central Government in the Official Gazette” shall be substituted.

10. *Insertion of new section 610A.*— After section 610 of the principal Act, the following section shall be inserted, namely:—

*'610A. Admissibility of micro films, facsimile copies of documents, computer printouts and documents on computer media as documents and as evidence.*— (1) Notwithstanding anything contained in any other law for the time being in force,—

(a) a micro film of a document or the reproduction of the image or images embodied in such micro film (whether enlarged or not); or

(b) a facsimile copy of a document; or

(c) a statement contained in a document and included in a printed material produced by a computer (hereinafter referred to as a "Computer printout"), if the conditions mentioned in sub-section (2) are satisfied,

shall be deemed to be also a document for the purpose of this Act and the rules made thereunder and shall be admissible in any

proceedings thereunder, without further proof or production of the original, as evidence of any contents of the original or of any fact stated therein of which direct evidence should be admissible.

(2) The conditions referred to in sub-section (1) in respect of a computer printout shall be the following, namely:—

(a) the information contained in the statement reproduces or is derived from returns and document filed by the company on paper or on computer network, floppy, diskette, magnetic cartridge tape, CD-rom or any other computer readable media;

(b) while receiving returns or documents on computer media, necessary checks by scanning the documents filed on computer media will be carried out and media will be duly authenticated by the Registrar; and

(c) the Registrar shall also take due care to preserve the computer media by duplicating, transferring, mastering and storage without loss of data.

#### Notification

10-5-96/LA-Vol. II

The Appropriation (Railways) No. 3 Act, 1996 (Central Act 19 of 1996) which has been passed by the Parliament and assented to by the President of India on 31st July, 1996 and published in the Gazette of India, Extraordinary, Part II Section I dated 31st July, 1996 is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 14th April, 1997.

### The Appropriation (Railways) No. 3 Act, 1996

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ACT

*to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1996-97 for the purposes of Railways.*

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) No. 3 Act, 1996.

2. *Issue of Rs. 40820,49,65,000 out of the Consolidated Fund of India for the financial year 1996-97.*— From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Railways) Vote on Account Act, 1996] to the sum of forty thousand eight hundred and twenty crores, forty-nine lakhs and sixty-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1996-97, in respect of the services relating to Railways specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

## THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2		3	
		Rs.	Rs.	Rs.
1	Railway Board ... ..	23,04,87,000	...	23,04,87,000
2	Miscellaneous Expenditure ... ..	119,80,08,000	...	119,80,08,000
3	General Superintendence and Services on Railways ...	828,01,47,000	93,000	828,02,40,000
4	Repairs and Maintenance of Permanent Way and Works ... ..	1707,36,13,000	10,00,000	1707,46,13,000
5	Repairs and Maintenance of Motive Power ...	1189,43,80,000	4,00,000	1189,47,80,000
6	Repairs and Maintenance of Carriages and Wagons ...	1769,44,32,000	1,85,000	1769,46,17,000
7	Repairs and Maintenance of Plant and Equipment ...	908,89,10,000	1,00,000	908,90,10,000
8	Operating Expenses—Rolling Stock and Equipment... ..	1459,60,62,000	6,00,000	1459,66,62,000
9	Operating Expenses—Traffic ... ..	3365,49,98,000	4,00,000	3365,53,98,000
10	Operating Expenses—Fuel ... ..	4003,60,83,000	1,00,000	4003,61,83,000
11	Staff, Welfare and Amenities ... ..	667,13,52,000	4,000	667,13,56,000
12	Miscellaneous Working Expenses ... ..	854,52,84,000	10,03,56,000	864,56,40,000
13	Provident Fund, Pension and Other Retirement Benefits ... ..	2361,96,52,000	65,19,000	2362,61,71,000
14	Appropriation to Funds ... ..	7076,00,00,000	...	7076,00,00,000
15	Dividend to General Revenues, Repayment to loans taken from General Revenues and Amortization of Over-Capitalisation ... ..	1587,37,00,000	...	1587,37,00,000
16	Assets—Acquisition, Construction and Replacement— Revenue ... ..	45,00,00,000	...	45,00,00,000
	Other Expenditure ... ..			
	Capital ... ..	8101,90,36,000	5,72,89,000	8107,63,25,000
	Railway Funds ... ..	4731,90,64,000	3,27,11,000	4735,17,75,000
	Total ... ..	40800,52,08,000	19,97,57,000	40820,49,65,000

## Department of Personnel

## Notification

1/571(1)/76-PER(Pt.)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing Recruitment Rules for the relevant post, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service, Group 'B' Gazetted post in the District Courts of Goa, namely:—

1. **Short title, application and commencement.**— (1) These rules may be called the Government of Goa, District Courts, Goa Group 'B' Gazetted post Recruitment Rules, 1997.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. **Number, classification and scales of pay.**— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in column 2 of the said Schedule from time to time subject to exigencies of work.

3. **Method of recruitment, age limit and other qualifications.**— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. **Disqualification.**—No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. **Power to relax.**— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

6. **Saving.**— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for scheduled castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Personnel).

Panaji, 14th May, 1997.

## SCHEDULE

Name/ / Designation of post.	Number of posts.	Classification.	Scale of pay.	Whether selection post or non-selection post.	Age limit for direct recruits.	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits.	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees.	Period of probation, if any.	Method of recruitment, whether by direct or by promotion or by deputation/transfer contract and percentage of the vacancies to be filled by various methods.	In case of recruitment by promotion/ deputation/ transfer, grades from which promotion/ deputation/transfer is to be made.	If a D. P. C. exists, what is its composition.	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment.
1	2	3	4	5	6	6 (a)	7	8	9	10	11	12	13
Registrar.	2 (1997) Subject to variation dependent on workload.	Goa General Service Group 'B' Gazetted.	Rs. 2000-60-2300-EB-75-3200-100-3500.	Selection.	Not exceeding 35 years (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Government).	No	<p><b>Essential:</b></p> <p>(i) Degree in Law from a recognized University.</p> <p>(ii) Three years legal practice in the Courts.</p> <p>(iii) Knowledge of Konkani.</p> <p><b>Note:</b> In case of non-availability of a suitable candidate with knowledge of Konkani, this requirement be relaxed.</p> <p><b>Desirable:</b></p> <p>Knowledge of Marathi.</p>	Age: N. A. Educational Qualifications: To the extent indicated in Column No. 11.	Two years.	By promotion failing which by direct recruitment.	<p><b>Promotion:</b></p> <p>Superintendent in the District Courts of Goa with 3 years regular service in the grade on merit-cum-seniority basis. Preference should however be given to Law Graduates.</p> <p><b>Notes:</b> (1) The merit shall be considered on the basis of knowledge of rule and procedure, competence, character, conduct and performance as reflected in the service record including Confidential record and special report and performance at the vivavoce test. Leave and late attendance record shall also be taken into consideration. The assessment of service record and special report will carry 40 marks, the performance at the interview will carry 40 marks and leave and attendance record will carry 20 marks.</p> <p>(2) Name of the candidate selected shall be sent to the High Court for approval.</p>	Group 'B' DPC consisting of:	N. A.
												<p>(i) District Judge—Chairman.</p> <p>(ii) Additional District Judge—Member.</p> <p>(iii) Civil Judge Senior Division and Chief Judicial Magistrate—Member.</p>	